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Application Number: 10/814933  
Filing Date: Mar. 30, 2004  
First Named Inventor: Buchan  
Group Art Unit: 1774  
Examiner: C.P. Johnson  
Atty. Docket Num.  
HSJ920040023US1

### Pre-Appeal Brief Request for Review

The applicants have filed a Notice of Appeal and hereby request a review of the Examiner's decision under the pilot program established by the USPTO. (Official Gazette Notices - 12 July 2005).

The Commissioner is hereby authorized to charge payment of any fees required under 37 CFR 1.17 associated with this communication or credit any overpayment to the Deposit Account No. **50-2587**.

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### Remarks

Inter alia, the Examiner rejected claims 1-3 and 12 under section 103(a) as being unpatentable over Lille, 6725526 in view of Davis, et al. 6821626. Applicants respectfully disagree and request that the rejection be withdrawn or reversed.

Applicants independent claim 1 is to a "structure for applying photoresist to a surface of a workpiece." This preamble language is given substance in the elements of the claim which include a "transferable coating of photoresist being transferable to the workpiece through physical contact." Applicants submit that none of the references cited are appropriate art because none of them teaches a structure for applying photoresist to a surface of a workpiece.

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More specifically, applicants' claim 1 includes "a transfer layer of polydimethylsiloxane with a transferable coating of photoresist ... ; and a cushion layer consisting of rubber under the transfer layer ...." It is respectfully submitted that the Examiner has erroneously equated applicants' claimed transfer layer with Lille's PDMS mold layer. The only similarity is that each is made of PDMS. The applicants' transfer layer has a transferable coating of photoresist, which is absent in Lille. The Examiner cited to Lille col. 4, lines 53-67 but there is nothing in this section or anywhere else in Lille's specification that describes any structure for applying photoresist to a surface of a workpiece and certainly not such a structure with "a transfer layer of polydimethylsiloxane with a transferable coating of photoresist on an outer surface of the transfer layer, the transferable coating of photoresist being transferable to the workpiece through physical contact ..." as claimed. It is respectfully submitted that the Examiner has misinterpreted Lille's teaching for making a mold layer that involves applying a photoresist to the "transfer film" which refers to a mold of a physical structure. (See Lille's claim 1 for example.) Thus, Lille's transfer film is used to duplicate a physical topography by using it as a mold. In the section cited by the Examiner Lille refers to a "replica (transfer film 14) of the master silicon surface" as shown in his Fig. 3. The cited passage in Lille notes that the "master may be formed by depositing, patterning and exposing a photoresist layer on the master wafer," but there is no teaching in Lille that the transfer layer 14 ever has a transferable layer of photoresist on it. Note that photoresist is absent in Lille's Fig. 3.

In the summary Lille mentions an embodiment in which a transfer film is formed across the substrate, and a patterned photoresist layer is formed on top of the transfer film. The method includes transferring the **image of patterned photoresist** layer through the transfer film, and removing the patterned photoresist layer. Transferring an image of a patterned photoresist is not the same as transferring the photoresist itself. In the specification Lille describes this alternative embodiment with reference to Fig. 6.

A photoresist layer is patterned on top of the MSSQ and the pattern is transferred through the MSSQ using a fluorine-containing plasma. The photoresist layer is

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